

WILMERHALE

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February 4, 2021

By CM/ECF

Hon. M. Hannah Lauck
United States District Court for the Eastern District of Virginia
Spottswood W. Robinson III & Robert R. Merhige, Jr. Federal Courthouse
701 East Broad Street
Richmond, VA 23219

Re: *United States v. Chatrie*, No. 19-cr-130

Dear Judge Lauck:

I write to update the Court regarding the availability of Google's witnesses to appear at the suppression hearing scheduled for March 4, 2021. Google's witnesses remain available to testify remotely at the hearing on that date. If the government and the defendant are amenable to conducting the hearing remotely, Google will work with the parties to ensure that the remote testimony proceeds as smoothly as possible.

At this point, given the fluid state of the COVID-19 pandemic, Google cannot ensure that its witnesses will be available to travel to Richmond to testify in person. Whether they will be able to do so safely will depend on a number of variables—including local travel restrictions and COVID-19 case rates—that are too difficult to predict this far in advance. For example, the following restrictions have either recently been in place or remain in place that could affect the witnesses' ability to travel. As recently as January 25, 2021, Californians were subject to a statewide stay-at-home order.¹ Though that order was recently lifted, residents of San Francisco and Alameda Counties (where the witnesses reside) must still quarantine for ten days after traveling outside the Bay Area.² While the present health orders exempt travel required by court

¹ See Kathleen Ronayne, AP News, *California Lifts Virus Stay-At-Home Order and Curfew* (Jan. 25, 2021), <https://apnews.com/article/california-lifts-stay-home-order-virus-1c298c67338a5914f7c3857cd167edcc>.

² See SF.gov, *Mandatory Travel Quarantine Still in Effect* (Jan. 25, 2021), <https://sf.gov/news/mandatory-travel-quarantine-still-effect>; Alameda Cnty. Pub. Health Dep't, Health Officer Order No. 21-02 (Jan. 25, 2021), <https://covid-19.acgov.org/covid19-assets/docs/shelter-in-place/21-01-social-distancing-eng.pdf>.

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order,³ it is uncertain whether those orders will become more restrictive in light of the new variants of COVID-19 that are more highly transmissible.⁴

Given this state of flux, if the government or the defendant wishes to proceed in person instead of starting preparations now for remote testimony, Google proposes to reassess the situation and update the Court on the availability of its witnesses for in-person testimony on or before February 11, three weeks prior to the hearing.

Respectfully submitted,

/s/ Brittany Amadi
Brittany Amadi

Counsel for Amicus Google LLC

CC: Counsel of record (by CM/ECF)

³ See San Francisco Dep't of Pub. Health, FAQs for Coronavirus (COVID-19) Health Orders (Feb. 1, 2021), <https://www.sfdph.org/dph/alerts/coronavirus-FAQ.asp>.

⁴ See Associated Press, KTLA, *California and Other States Lift Restrictions Gradually Amid Fears of New Coronavirus Variant* (Jan. 27, 2021), <https://ktla.com/news/california/california-and-other-states-lift-restrictions-gradually-amid-fears-of-new-coronavirus-variant>.